

APA Official Actions

Position Statement on Insanity Defense

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Issue:

The insanity defense ¹ is deeply rooted in centuries of Anglo-American law. Although the specific standard of legal insanity has varied over time and across jurisdictions, the defense has long been grounded in the belief that defendants whose mental states were substantially impaired at the time of the crime should not be considered criminally culpable for their acts. Serious mental disorders ² can significantly impair an individual’s capacity to think rationally, appreciate the wrongfulness of their conduct, and exercise self-restraint. The challenge is to specify the legally exculpatory criteria.

APA Position:

The insanity defense recognizes the unfairness of punishing persons who experience substantial impairment of mental function at the time of their actions and distinguishes between defendants with mental or emotional disorders who are legally responsible for their actions and those who are not. Insanity criteria need to be broad enough to allow meaningful consideration of the impact of serious mental disorders on individual culpability.

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¹ For the term “insanity defense,” we include verdicts of “not guilty by reason of insanity,” “guilty but not criminally responsible,” and related formulations.

² “Serious mental disorder” is meant to encompass not only major psychiatric disorders but also developmental disabilities and other causes of impaired mental function (e.g., severe head trauma) that otherwise meet the legal criteria for the insanity defense.